

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7313

BILL NUMBER: SB 342

DATE PREPARED: Dec 23, 2000

BILL AMENDED:

SUBJECT: Violence Witnessed by Children.

FISCAL ANALYST: Sherry Fontaine

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill raises the penalty for battery from a Class A misdemeanor to a Class D felony if the offense is witnessed by: (1) a minor child or stepchild; or (2) a minor child residing within the household of the victim or of the person who commits the offense.

The bill also raises the penalty for criminal recklessness from a Class B misdemeanor to a Class D felony if the offense is witnessed by: (1) a minor child or stepchild; or (2) a minor child residing within the household of the victim or of the person who commits the offense.

Effective Date: July 1, 2001.

Explanation of State Expenditures: This bill raises two misdemeanor provisions to Class D felony provisions. State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000 and for a Class B misdemeanor is \$1,000, while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail,

the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The maximum term of imprisonment for a Class B misdemeanor is up to 180 days. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs Association.